

REMARKS

Reconsideration of the application is requested in view of the amendments above, attachment hereto, and comments which follow.

First of all, concerning the objection to the abstract, a new abstract is submitted herewith. It is believed that all is now in order.

Regarding the objection to claim 6, with the cancellation of claim 6, the objection is now moot.

The Examiner has then proceeded with claim rejections, rejecting claims 10 and 11 under 35 U.S.C. §102(b) as being anticipated by Honan et al U.S. Patent No. 5,348,158, and the remaining claims on the basis of obviousness, with Honan being the primary reference when in view of Richardson et al U.S. Patent No. 4,015,717. Reconsideration is requested.

Claim 10 has been amended by specifying that the peg is arranged such that, with the peg in registry with a selected blister, movement of the lid from the open position to the closed position causes the peg to engage the selected blister to release a tablet therefrom, so as to clarify a first difference between the apparatus of claim 10 and that of Honan.

Whereas the apparatus of claim 10 releases a tablet from a blister simply by moving the lid from the open position to the closed position, the apparatus of Honan requires that a plunger is depressed after the lid has been closed in order to release a tablet.

Claim 10 has also been amended by specifying that the largest diameter of the tip of the peg is less than the diameter of a blister, so as to clarify a second difference between the apparatus of claim 10 and that of Honan, namely that the largest diameter of the tip of the plunger of Honan is greater than the diameter of a blister, whereas the largest diameter of the tip of the peg of claim 10 is less than the diameter of a blister. See, for example, figure 6 of Honan.

It is therefore submitted that claim 10 is novel over Honan for the two reasons set out above.

It is further submitted that claim 10 is non-obvious in view of Honan for the following reasons.

The apparatus of claim 10 has the advantages that it is simpler and requires less force to use than that of Honan. It is simpler to use because the user only has to close the lid to release a tablet from a blister pack, whereas the user of the apparatus of Honan has to depress a small plunger, which would be difficult for the persons of reduced manual dexterity for whom the apparatus of claim 10 is intended.

It requires a surprisingly large force to crush the side walls of a blister in order to release a tablet from the blister, but the side walls must be crushed if, as in the apparatus of Honan, the largest diameter of the tip of the plunger is greater than the diameter of the blister.

If the largest diameter of peg is less than the diameter of the blister, as in the apparatus of claim 10, a tablet can be released from the blister merely by indenting the top of the blister, without crushing the side walls, which requires considerably less force.

There is no suggestion in Honan of these features.

Moreover, combining the teaching of Honan with that of Richardson would not result in the invention of claim 10, because Richardson contains no suggestion of the feature that the largest diameter of the tip of the peg is less than the diameter of the blister.

Claim 10 is therefore novel and non-obvious in view of Honan and Richardson.

Claim 1 has been amended by specifying that the apparatus further comprises a peg which is slidably mounted on the lid so as to be moveable, in use, into registry with any one of a plurality of blisters of a pack in the tray, so as to clarify a first difference between the apparatus of claim 1 and that of Richardson.

Whereas the apparatus of claim 1 has a peg slidably mounted on the lid, the apparatus of Richardson has an ejector tab (58) which is fixed to the cover (20). In the apparatus of Richardson the blister pack must be moved to bring a blister into registry with the ejector tab.

Claim 1 has also been amended by specifying that the apparatus comprises a tray, which has a base which is formed integrally with side walls of the tray, that a raised floor extends horizontally across the tray between the side walls and is spaced from the base to define a cavity, a vertical partition wall extends between the side walls and is disposed at one end of the floor, the partition wall includes a raised portion which defines a gap between the partition wall and floor so as to enable the cavity to communicate with an end receptacle defined by the floor and a part circular end wall, the floor being provided with a plurality of apertures, each aperture allowing a tablet released from a respective blister overlying the aperture to pass through the floor, into the cavity and from the cavity into the end receptacle. This clarifies a second difference between the apparatus of claim 1 and that of Richardson.

Whereas the apparatus of claim 1 has an end receptacle in which a tablet is retained after being released from a blister pack, that of Richardson simply discharges a tablet released from a blister pack from the bottom of the apparatus. See, for example, figure 4 of Richardson.

It is therefore submitted that claim 1 is novel over Richardson for the two reasons set out above.

It is further submitted that claim 1 is non-obvious in view of Richardson for the following reasons.

Richardson is concerned with dispensing tablets from a special, circular blister pack in a predetermined order. That is to say, Richardson provides relatively complex apparatus that allows the user to dispense tablets only in a particular order, and provides an indication of whether tablets have been dispensed in accordance with a particular dosage regimen.

The apparatus of claim 1 of this application is concerned with facilitating release of tablets from an ordinary, rectangular blister pack by a person of reduced manual dexterity. The skilled person would therefore disregard the teaching of Richardson as being irrelevant to facilitating release of tablets from a blister pack by a person of reduced manual dexterity.

The apparatus of claim 1 has the advantages that it can be used to release a tablet from any selected blister of a blister pack, and that once the tablet is released from the blister, it is securely retained in the end receptacle.

The very purpose of the apparatus of Richardson is that it prevents release of a tablet from any blister other than the next blister in a predetermined order of blisters.

Thus even if the skilled person were to consider the teaching of Richardson, he would have no motivation to modify the teaching of Richardson to enable a table to be released from any selected blister of a blister pack, because almost every feature of the apparatus of Richardson would have to be modified.

The skilled person would therefore not modify the teaching of Richardson to obtain the invention of claim 1 because Richardson teaches away from making these modifications.

Moreover, combining the teaching of Richardson with that of Honan would not result in the invention of claim 1, even if there were any motivation for the skilled person to do so, because Honan, like Richardson, does not disclose the features of the raised floor, cavity, partition wall and end receptacle.

Claim 1 is therefore novel and non-obvious in view of Richardson and Honan, as are claims 4 and 7 to 9 by virtue of their dependence from claim 1.

It is therefore submitted that the application, as amended, distinguishes from the prior art and is allowable thereover, whether the references are considered alone or in combination. The Examiner's further and favorable reconsideration in that regard is urged.

As this response is being filed during the sixth month following the Examiner's Office Act on, an appropriate Petition for Extension of Time is also submitted herewith.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "William M. Lee, Jr.", is written over a horizontal line.

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